

## REMARKS

Claims 36, 46-49, 59, and 60 are pending and under consideration. In order to expedite prosecution of this application, Applicants have amended Claims 36, 47, and 49. Specifically, the claimed method now comprises administering to a mammal an effective growth-stimulating amount of a polypeptide comprising amino acid residues 230 to 345 of SEQ ID NO:3 or of SEQ ID NO:7. Applicants respectfully submit that the above amendments are fully supported by the specification as originally filed. In particular, the amended claims are fully supported by U.S. Provisional Application Serial No. 60/110,749, filed December 3, 1998, the benefit of which the instant application claims.

Entry of the claim amendments and favorable reconsideration of the claims are respectfully requested.

### **Claim rejections under 35 U.S.C. §102(e)**

The Office Action rejected all claims under 35 U.S.C. §102(e) over Gao *et al.* (U.S. 6,528,050). The Office Action asserted that the claims, before the instant amendment, find full support only in U.S. Provisional Application Serial No. 60/113,002, filed December 18, 1998, while the Gao *et al.* patent has a prior art date under §102(e) of December 7, 1998.

Without acquiescing to the correctness of this assertion, and solely to expedite prosecution and allowance of the present application, the claims are amended as indicated above so that they are fully supported by U.S. Provisional Application Serial No. 60/110,749, filed December 3, 1998.

As a consequence, the claimed invention, as embodied in the amended claims, has an effective priority date earlier than the effective §102(e) date of the Gao *et al.* patent. In other words, the Gao *et al.* patent is no longer prior art to the instantly claimed invention. Therefore, the claim rejection under 35 U.S.C. §102(e) is no longer proper and should be withdrawn.

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance and earnestly solicit an early indication from the Examiner to that effect. If there are any questions regarding the present Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application for all concerned.

Applicants hereby request a three-month extension of time in which to file this response. A check for the three-month extension fee of \$1020 is attached. If in error, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 05-1323, referencing Docket No. 029065.44740CP).

Respectfully submitted,

December 7, 2005

  
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